

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
SAN ANTONIO DIVISION**

<b>ELIZABETH LONG,</b>	)	
<b>Plaintiffs,</b>	)	
	)	
<b>v.</b>	)	<b>CIVIL ACTION NO. 5:22-cv-00923-JKP-ESC</b>
	)	
<b>Cat Exteriors &amp; Kensington Marketing Group</b>	)	
<b>Defendants.</b>	)	

**Plaintiffs Motion for Deposition Accommodations**

“We will need to reschedule your in-person deposition. I also must advise you that we will not be providing all of the accommodations you had requested. We will be conducting the deposition in accordance with what the Federal Rules allow. For example, the deposition will be for a full 7-hour day (not the one hour that you requested).”

- Matthew T. Anderson

Luper Neidenthal & Logan

The plaintiff has requested that this deposition occur via Teleconference. Plaintiff has several medical conditions, including one neuromuscular autoimmune that increases the risk for Covid19. Defendants have provided no reasonable explanation as to why they cannot conduct this deposition via Teleconference. It would actually save them a lot of time and expense. In person (some also apply to teleconference) accommodations requested (and this comprehensive list was provided to Defense Council in addition the health records from the Department of Veterans Affairs, Veteran Health Care system) are as follows (highlighted are in person only):

- Opposing council and out of state staff travelling with council must have a negative pcr within 72 hours of deposition and coming into contact with the plaintiff
- Opposing council and all out of states staff traveling with council must have a verifiable completed quarantine for 14 days upon entering the state of Texas
- All present must wear a mask
- All present must be able to provide proof of vaccination against covid 19 to include boosters
- All present must abstain from foods containing “hot peppers” \* 72 hours prior to deposition\*\*
- If the first 5 cannot be met the in-person deposition must be rescheduled to a time when they can be met or done by teleconference
- Avoid aggressive questioning
- Avoid aggressive tones
- Avoid loud noises
- Clear, simple, and concise questions
- No leading or off topic questions
- Questions limited to scope of the case

- Questions provided 5 days before deposition
- Ability to see all exits in the room from sitting position
- Sit in position that doesn't make me feel like someone will surprise me from behind
- Trusted person to sit at counsel table and help take notes
- Smaller or quieter courtroom (closed?)
- Trusted person to help organize paperwork
- Opportunities to mediate case before performing deposition
- Later start time
- More frequent breaks
- Ability to check in with trusted support person who is present
- Help with organizing papers, taking notes, etc.
- Ability to access recordings of proceedings
- Time limit on deposition – no longer than 60 minutes
- Ability to end deposition early should it be come to stressful or taxing
- Ergonomic chair
- Disabled parking within 1000 ft of meeting location
- Access to elevator
- The meeting building must have an isolated air-handling system

- The meeting location must not be within 1000Ft of any business serving “Hot Peppers” in any of their dishes
- All contact surfaces leading to and in the meeting room must be sanitized and cleaned- free from allergens and infectious disease.
- Allergen Air Tester
- Refrigeration for emergency treatments
- Room temperature of 72-78 degrees Fahrenheit – no more no less
- Ability to have food and drink to take medications
- Ability to have emergency medications on hand

\*a comprehensive list of peppers to avoid will be provided – RESPIRATORY, SKIN, INGESTION ALLERGY

\*\* basically, if it’s not a bell pepper stay away from it

### IN PERSON ONLY ACCOMODATIONS

As you may know, the ADA requires that individuals with disabilities be provided with reasonable accommodations to ensure that they have equal access to the same opportunities as individuals without disabilities. I have multiple disabilities in which I am deemed unemployable with permanent and total disability by the Department of Veterans affairs. I believe that these accommodations are reasonable and necessary to ensure that I am able to fully participate in the deposition. I understand that the court may need to consult with me and the other parties to determine the appropriate accommodations, and I am available to discuss any questions or concerns that the court may have.

These disabilities affect my ability to sometimes understand what is being said to me or asked of me. Of the greatest concern is the neuromuscular

autoimmune, which has a substantially increased risk for contracting covid and substantially increased risk of mortality from covid as Myasthenia Gravis does make a patient more susceptible to upper respiratory infection. Additionally, Myasthenia Gravis is a stress responsive disorder, meaning increased stress response results in increased weakness. While I am fortunate enough to not be stage 4 on the Osserman scale of classification of Myasthenia Gravis even at stage 2, I am still not capable of long periods of sustained intense needless questioning. I have difficulty in the morning waking and moving until I have taken my medication which at times can take a couple of hours depending on how bad the previous night's sleep disturbances were. I have been deposed before and it only took 75 minutes.

**I. Myasthenia Gravis** (MG) is a rare autoimmune disorder that affects the communication between the nerves and the muscles. It causes weakness and fatigue in the muscles that control voluntary movements, including those used for breathing, speaking, and swallowing.

The symptoms of MG can vary widely, but some common symptoms include:

**Muscle weakness:** MG typically causes weakness that worsens with activity and improves with rest. The weakness may affect different muscles at different times, but it often affects the eyes, face, throat, neck, and limbs.

**Fatigue:** People with MG may experience fatigue that is out of proportion to their activity level. They may also have difficulty sustaining certain activities, such as holding up their head or speaking for extended periods of time.

**Drooping eyelids:** One of the hallmark symptoms of MG is ptosis, or drooping of the eyelids. This can affect one or both eyes and can interfere with vision.

**Difficulty swallowing:** MG can cause weakness in the muscles used for swallowing, which can lead to choking or difficulty eating.

**Difficulty breathing:** In severe cases, MG can affect the muscles used for breathing, which can cause shortness of breath or respiratory failure.

Stressful situations like a prolonged deposition can significantly impact individuals with Myasthenia Gravis (MG), a neuromuscular disorder that affects the muscles used for movement and breathing. Stress can trigger MG symptoms, leading to increased weakness, fatigue, and difficulty with breathing and speaking.

During a prolonged deposition, individuals with MG may experience stress related to the length of the deposition, the questions asked, or the intensity of the questioning. This stress can cause an increase in MG symptoms, making it challenging to participate fully in legal proceedings.

For example, stress can cause an exacerbation of MG symptoms, such as muscle weakness, which can impact an individual's ability to speak or hold their head up for extended periods. Stress can also lead to increased fatigue, making it difficult to maintain focus and concentration during the deposition.

To manage the impact of stress on MG during prolonged depositions, accommodations may be necessary, such as scheduling breaks to rest, flexibility in scheduling or time limits, or access to supportive individuals during the deposition. These accommodations can help manage stress levels and prevent the onset of MG symptoms that can significantly impact an individual's participation in legal proceedings.

It's important to note that MG is a serious medical condition that can significantly impact an individual's daily life and functioning. Individuals with MG may require accommodations to help them participate fully in certain activities, such as work, school, or legal proceedings. It's important for judges and other legal professionals to be aware of the impact of MG and to work with individuals with this condition to ensure that they receive the accommodations they need.

While there is limited data on the specific risks of COVID-19 for people with MG, it is generally believed that they may be at a higher risk of severe illness from COVID-19 due to their weakened immune system and potential respiratory muscle involvement.

Furthermore, some medications used to treat MG, such as immunosuppressants and corticosteroids, can further weaken the immune system and increase the risk of infection. However, it is important to note that these medications are often necessary to manage MG symptoms and should not be stopped without consulting a healthcare provider.

To reduce the risk of COVID-19, people with MG should follow standard public health measures such as getting vaccinated, wearing masks, practicing social distancing, and washing hands regularly. They should also speak with their healthcare provider to discuss any specific risks or precautions they should take based on their individual medical history and treatment plan.

**II. Anxiety** Stressful situations, such as a prolonged deposition, can significantly impact individuals with anxiety. Anxiety is a mental health condition characterized by persistent and excessive worry or fear about everyday situations, and prolonged depositions can be an overwhelming source of stress and anxiety for some individuals.

During a prolonged deposition, individuals with anxiety may experience heightened levels of stress and worry related to the length of the deposition, the questions being asked, and the potential outcome of the legal proceedings. These concerns can lead to physical symptoms of anxiety, including increased heart rate, sweating, and difficulty breathing, which can make it challenging to participate fully in legal proceedings.

Anxiety can also impact an individual's ability to concentrate, focus, and recall information accurately, which can negatively impact their participation in legal proceedings. For example, individuals with anxiety may experience racing thoughts or difficulty processing information, which can lead to missed information, misunderstandings, or errors in responses.

To manage the impact of anxiety on prolonged depositions, accommodations may be necessary. These accommodations may include frequent breaks, opportunities to practice relaxation techniques, such as deep breathing or meditation, and access to supportive individuals during the deposition, such as a mental health professional or advocate.

**III. Bipolar Disorder** Individuals with bipolar disorder can be particularly sensitive to stressful situations, such as a prolonged deposition. Stressful

situations can trigger mood episodes, particularly episodes of mania or hypomania.

During a prolonged deposition, individuals with bipolar disorder may experience stress related to the length of the deposition, the questions asked, or the intensity of the questioning. This stress can cause an increase in symptoms of mania or hypomania, including increased energy, irritability, and impulsivity.

At the same time, stress can also trigger depressive episodes in individuals with bipolar disorder. Prolonged depositions can be emotionally taxing, leading to feelings of sadness, hopelessness, and despair.

It's important to note that stress can also disrupt sleep patterns, which is particularly problematic for individuals with bipolar disorder. Sleep disturbance is a common trigger for mood episodes in people with bipolar disorder, and prolonged depositions that require long hours or overnight stays can cause significant disruptions to sleep.

To help manage the impact of stress on bipolar disorder during prolonged depositions, individuals with this condition may require accommodations such as breaks to rest, flexibility in scheduling or time limits, or access to supportive individuals during the deposition. These accommodations can help manage stress levels and prevent the onset of mood episodes that can significantly impact an individual's participation in legal proceedings.

**IV. ADHD COMBINED TYPE.** Individuals with ADHD combined type may experience significant challenges in managing stress in prolonged deposition situations. ADHD is a neurodevelopmental disorder that affects an individual's ability to sustain attention, regulate impulses, and manage activity levels. When placed in a stressful situation like a prolonged deposition, these symptoms can be exacerbated, making it difficult to participate fully in legal proceedings.



During a prolonged deposition, individuals with ADHD combined type may struggle to sustain attention and focus on the questions being asked. This can lead to missed information, misunderstandings, or errors in responses. Additionally, the length and intensity of the deposition may cause feelings of restlessness or hyperactivity, making it challenging to remain seated and engaged in the process.

Stressful situations can also cause individuals with ADHD combined type to experience an increase in impulsive behavior, making it difficult to control their responses or think before acting. This can lead to inappropriate or unhelpful responses that may negatively impact the outcome of the deposition.

To manage the impact of prolonged deposition on individuals with ADHD combined type, accommodations may be necessary. These accommodations may include frequent breaks, opportunities to move around or engage in physical activity, and access to accommodations such as fidget toys or other tools that can help with focus and attention.

Overall, it's important for judges and legal professionals to be aware of the potential impact of stressful situations on individuals with ADHD combined type and to work with these individuals to provide the accommodations and support they need to fully participate in legal proceedings.

**V. Sleep Disturbance.** Stressful situations like a prolonged deposition can significantly impact sleep, leading to sleep disturbances that can negatively impact an individual's health and well-being. Sleep is critical for our physical and mental health, and disruptions in sleep can lead to a range of negative effects, including decreased cognitive function, impaired immune system function, and increased risk of chronic health conditions.

During a prolonged deposition, individuals may experience high levels of stress and anxiety, which can interfere with their ability to fall asleep or stay asleep. This can result in insomnia or poor sleep quality, leading to daytime fatigue, irritability, and difficulty concentrating.

Sleep disturbances can be particularly problematic for individuals with certain health conditions, such as bipolar disorder or ADHD, which may be exacerbated by disruptions in sleep. For individuals with these conditions, it is essential to manage stress levels and to establish healthy sleep habits to help minimize the impact of sleep disturbances on their overall health and well-being.

To manage the impact of sleep disturbances during prolonged depositions, individuals may require accommodations such as flexible scheduling or access to rest breaks. These accommodations can help individuals manage their stress levels and maintain healthy sleep habits, which can help prevent the onset of mood episodes or other negative health effects associated with sleep disturbances.

Overall, it's important for judges and legal professionals to be aware of the potential impact of prolonged depositions on sleep quality and to work with individuals to provide accommodations and support to help manage stress levels and maintain healthy sleep habits.

I am currently in pain management for my back pain. Sitting for long periods of time would exacerbate this condition.

I have a severe food allergy to the capsicum (pepper) family – think of like a severe peanut allergy. I carry an epi-pen.

I feel like the defendant's attorney thinks I would be ashamed to share this with the court. Why Would I be? I'm a human being. I served my country honorably, and wrote my country a check for my life. Why would I be ashamed of my scars? These are my battle scars. And to try and weaponize it, use to intimidate me in to complying to his every demand (which is how it feels to me) is unethical and down right disturbing. This "deposition" is a personal attack on the plaintiff and an attempt to trigger some sort of psychological reaction with the length of the deposition and the deposition being in person.

Plaintiff would also like to request a stay on depositions until after other pending motions Doc. 51 and Doc 52. are ruled on and after completion of mediation should it be unsuccessful.

Thank you for your attention in these matters.

Respectfully submitted,

/s/ Elizabeth Long

Elizabeth Long, Plaintiff Pro-se

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Certificate of Service

On this Day the 5th of April, 2023, this document was filed with the United States Western District Court San Antonio Division and served upon the following Counsel Via CM/ECF

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